

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

CLERK

BY EN
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Civil Action No. 5:22-cv-00159

BLUE CROSS AND BLUE SHIELD OF
VERMONT and THE VERMONT HEALTH
PLAN,

Plaintiffs,

v.

TEVA PHARMACEUTICAL INDUSTRIES
LTD., TEVA PHARMACEUTICALS USA, INC.,
TEVA SALES AND MARKETING, INC., and
TEVA NEUROSCIENCE, INC.,

Defendants.

**ORDER REGARDING
NON-PARTY CONFIDENTIALITY DESIGNATIONS**

WHEREAS, the parties to this case have served document subpoenas on various non-parties;

WHEREAS, as a condition to producing certain subpoenaed documents, multiple subpoenaed non-parties have requested to be permitted to designate certain commercially sensitive materials, "HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS' EYES ONLY";

WHEREAS, paragraph 34 of the Discovery Confidentiality Order entered in this case (ECF No. 64) states that this "Order may be amended with respect to . . . (b) Persons to whom Protected Information may be Disclosed, by Court order";

WHEREAS, the parties, through their respective counsel of record, hereby agree to the terms of this Order for additional protection of confidential documents produced by non-parties and agree that the terms of this Order appropriately balance the interests of subpoenaed non-parties and the interests articulated in this Court's Supplemental Order on Discovery Confidentiality Order (ECF No. 65);

THEREFORE, in view of the foregoing and because the Parties hereto, by and through their respective counsel, have agreed to the following Stipulation and Order Regarding Non-Party Confidentiality Designations, pursuant to Federal Rule of Civil Procedure 26(c) and having determined that good cause exists for the entry of this Order,

IT IS HEREBY STIPULATED AND ORDERED THAT:

1. To the extent any subpoenaed non-party deems it appropriate to designate documents produced in this matter as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the Discovery Confidentiality Order, and to the extent the non-party in good faith believes that the documents it is producing contain material relating to highly sensitive business matters, the disclosure of which could cause direct and substantial harm to the non-party, it may designate such non-party may further designate such documents as “HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS’ EYES ONLY.”

2. Material designated “HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS’ EYES ONLY” shall be governed in all respects by the provisions of the Discovery Confidentiality Order concerning materials designated “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY,” with one exception: material designated “HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS’ EYES ONLY” shall not be disclosed to: (a) In-House Counsel (as defined at ¶ 12.h. of the Discovery Confidentiality Order); or (b) any person who would be permitted to see such materials pursuant to ¶ 12.i., ECF No. 64 of the Discovery Confidentiality Orders, unless such disclosure is made upon order of the Court or upon the written consent of the subpoenaed non-party that produced such materials. For avoidance of doubt, materials designated as “HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS’ EYES ONLY” may still be disclosed to the

parties' Outside Counsel of Record as defined at ¶ 12.a. of the Discovery Confidentiality Order, and may still be challenged pursuant to the Discovery Confidentiality Order.

3. This stipulation is binding upon, without limitation, all current and future parties in this action (including their respective corporate parents, subsidiaries, affiliates, successors, and attorneys and all other representatives or agents), and their counsel; all other persons or entities authorized under the Discovery Confidentiality Order or any other order of this Court to receive or view Highly Confidential Material; and all other interested persons or entities with actual or constructive notice of this stipulation or the Discovery Confidentiality Order.

We hereby consent to the form and entry of this Stipulated Order Regarding Non-Party Confidentiality Designations.

APPROVED AND SO ORDERED:

4 March 2025
Date

/s/ Geoffrey W. Crawford
District Judge
U.S. District Court, District of Vermont

Dated: December 31, 2024

Lynn Lincoln Sarko (*pro hac vice*)
Gretchen Freeman Cappio (*pro hac vice*)
Matthew M. Gerend (*pro hac vice*)
Natida Sribhibhadh (*pro hac vice*)
Sydney Read (*pro hac vice*)

KELLER ROHRBACK LLP
1201 Third Avenue, Suite 3200
Seattle, WA 98101
Tel: (206) 623-1900
Fax: (206) 623-3384
lsarko@kellerrohrback.com
gcappio@kellerrohrback.com
mgerend@kellerrohrback.com
natidas@kellerrohrback.com
sread@kellerrohrback.com

Alison E. Chase (*pro hac vice*)
KELLER ROHRBACK L.L.P.
801 Garden Street, Suite 301
Santa Barbara, CA 93101
Tel: (805) 456-1496
achase@kellerrohrback.com

By: /s/ Bridget Asay

Michael Donofrio
Bridget Asay
STRIS & MAHER LLP
15 East State Street, Suite 2
Montpelier, Vermont 05602
(802) 858-4465
(802) 858-4285
mdonofrio@stris.com
basay@stris.com

Peter Stris (*pro hac vice*)
Elizabeth R. Brannen (*pro hac vice*)
STRIS & MAHER LLP
777 S. Figueroa St., Suite 3850
Los Angeles, CA 90017
(213) 995-6800
pstris@stris.com
ebrannen@stris.com

Attorneys for Plaintiffs

By: /s/ Matthew S. Borick

Matthew S. Borick
DOWNS RACHLIN MARTIN PLLC
Courthouse Plaza
199 Main Street, Suite 600
Burlington, VT 05401
(802) 863-2375
(802) 862- 7512
mborick@drm.com

Christopher T. Holding (*pro hac vice*)
Daryl L. Wiesen (*pro hac vice*)
Alicia Rubio-Spring (*pro hac vice*)
Tucker DeVoe (*pro hac vice*)
GOODWIN PROCTER LLP
100 Northern Avenue
Boston, MA 02210
(617) 570-1947
CHolding@goodwinlaw.com
DWiesen@goodwinlaw.com
ARubio-Spring@goodwinlaw.com

Brian T. Burgess (*pro hac vice*)
Katherine Cheng (*pro hac vice*)
GOODWIN PROCTER LLP
1900 N Street, NW
Washington, DC 20036
(202) 346-4000
BBurgess@goodwinlaw.com

Attorneys for Defendants